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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/629,183

07/29/2003

Ronald Marsh

U66.12-0005

7201

164

7590

10/20/2006

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,183

Applicant(s)

MARSH, RONALD

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 12,16,19,42,43,47 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12,16,19,42,43,47 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 19, 43 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Videtich, 2004/0080430.

3. Videtich discloses a radio receiver for receiving emergency event data(124); a GPS receiver for determining a location of the portable alert system(140); a computer processor disposed within the portable alert system having control software for processing the emergency event data and an input from the GPS to provide an output to a display indicating a position of the portable alert system and a position of an emergency, wherein the computer processor further processes the input from the GPS to automatically program the radio receiver to receive only an emergency data broadcast signal associated with the location of the portable alert system in paragraphs 17-25; the emergency data broadcast data signal is associated with a specified broadcast frequency is inherent since communication is associated with a specific frequency so that the receiver can receive it; having both a satellite receiver (radio broadcast) and another transmission means at the same time in paragraphs 12, 20, and

21; and the computer processor utilizing the control software to simultaneously process the emergency event data from the radio receiver and the digital data from the satellite receiver in paragraphs 16-25; and a cellular phone for receiving digital data in paragraph 20.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12, 42, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Videtich, 2004/0080430.

6. Videtich discloses a radio receiver for receiving emergency event data(124); a GPS receiver for determining a location of the portable alert system(140); a computer processor disposed within the portable alert system having control software for processing the emergency event data and an input from the GPS to provide an output to a display indicating a position of the portable alert system and a position of an emergency, wherein the computer processor further processes the input from the GPS to automatically program the radio receiver to receive only an emergency data broadcast signal associated with the location of the portable alert system in paragraphs 17-25; the emergency data broadcast data signal is associated with a specified broadcast frequency is inherent since communication is associated with a specific frequency so that the receiver can receive it; having both a satellite receiver (radio

Art Unit: 3661

broadcast) and another transmission means at the same time in paragraphs 12, 20, and 21; and the computer processor utilizing the control software to simultaneously process the emergency event data from the radio receiver and the digital data from the satellite receiver in paragraphs 16-25; and a cellular phone for receiving digital data in paragraph 20. Videtich does not disclose a satellite receiver for receiving the digital data. Official notice is taken that it is well known in the art to substitute a satellite phone with a cellular phone. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a satellite phone instead of a cellular phone connection because satellite phones have a larger service area, which would be beneficial when traveling in remote areas.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Videtich, 2004/0080430, in view of Koeller, 6297766.

8. Videtich discloses the limitations as set forth above. Videtich does not disclose the digital data is digital radar data. Koeller teaches the data is digital radar data on lines 16-25, on column 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the digital radar data of Koeller in the invention of Videtich because it would provide a more accurate warning.

Response to Arguments

9. Applicant's arguments with respect to claims 12, 16, 19, 42, 43, 47, and 48 have been considered but are moot in view of the new ground(s) of rejection. The use of two simultaneous sources for weather alerts is known in the art.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

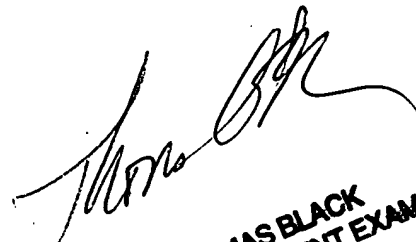
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BJB


THOMAS BLACK
SUPERVISORY PATENT EXAMINER